BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2019051020 ORDER FOLLOWING PREHEARING CONFERENCE; GRANTING CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE AND DUE PROCESS HEARING

On June 10, 2019, a telephonic prehearing conference was held before Administrative Law Judge Tara Doss, Office of Administrative Hearings. Patrick Balucan, Attorney at Law, appeared on behalf of Los Angeles Unified School District. Mother and Father appeared on behalf of Student. The PHC was recorded.

Based upon the discussion with the parties during the PHC, the ALJ issues the following Order:

1. Hearing Dates, Times, and Location.

On June 10, 2019, the parties filed a joint request for continuance of the due process hearing in this case. The parties also requested that OAH schedule a mediation.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

The parties established good cause for the continuance and agreed to new dates. The Motion to Continue is granted. All current dates are vacated and the new dates in this case will be set as follows:

Mediation:	**July 31, 2019, at 1:30 p.m.**
Prehearing Conference:	**September 6, 2019, At 10:00 a.m.**
Due Process Hearing:	**September 16, 17, and 18, 2019, at 1:30 p.m. on the first day of hearing, and 9:00 a.m. on each following day, continuing day to day, as needed, at the discretion of the Administrative Law Judge.**

The mediation will take place at Los Angeles Unified School District, 333 South Beaudry Avenue, 17th Floor, Los Angeles, California 90017. The due process hearing will take place at the Office of Administrative Hearings, 15350 Sherman Way, Suite 300, Van Nuys, California 91406.

The parties must immediately notify all potential witnesses of the hearing dates, and must subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing dates or properly subpoenaed, as applicable.

2. Settlement. The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties must inform OAH in writing immediately should they reach a settlement or otherwise resolve the case before the scheduled hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties must also inform OAH of the settlement by telephone at (916) 263-0880.

IF A FULL AND FINAL WRITTEN SETTLEMENT AGREEMENT IS REACHED AFTER 5:00 P.M. THE DAY PRIOR TO HEARING, THE PARTIES MUST LEAVE A VOICEMAIL MESSAGE REGARDING THE SETTLEMENT AT (916) 274-6035. THE PARTIES SHOULD ALSO LEAVE CONTACT INFORMATION SUCH AS CELLULAR PHONE NUMBERS OF EACH PARTY OR COUNSEL FOR EACH PARTY. THE PARTIES SHOULD SIMULTANEOUSLY EMAIL THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO THE OAH AT https://www.applications.dgsapps.dgs.ca.gov/oah/oahsftweb .

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have

been agreed upon by the assigned ALJ. The assigned ALJ will check for messages the evening prior to the hearing or the morning of the hearing.

3. Other PHC Matters. All other parts of the prehearing conference will be discussed during the telephonic PHC on September 6, 2019.

4. Failure to comply with this Order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

DATE: June 10, 2019

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Tara Doss
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TARA DOSS
Administrative Law Judge
Office of Administrative Hearings